

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1223 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PATEL ATMARAM HARIDAS

Versus

AREA DEVELOPMENT COMMISSIONER

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Appearance:

MR YN OZA for Petitioners

MR KAMAL MEHTA, Ld. AGP for Respondents.

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CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 07/10/98

ORAL JUDGEMENT

When this petition was called out, it is pointed out by both the sides that in Special Civil Application No.519 of 1986, Hon'ble Mr. Justice S.K. Keshote, made an order on 8.9.97, by which in a similar case where appointments were being given from time to time for 29 days in the Irrigation Department, the Court had directed the respondents to consider the case of the petitioners in the light of the resolution dtd.17th October, 1988

and, if the petitioners were entitled for the benefits of that resolution, they should be given the same, and if they were found not to be entitled for such benefits, a reasoned order should be made and that until the matter is considered by the respondents, the services of the petitioners shall continue.

2. The learned counsel for the petitioners states that the petitioners had filed the present petition prior to the resolution dtd.17th October, 1988, but now in view of that resolution, the petitioners will make an application within one month from today to the respondent authorities for giving them benefit of the said resolution.

3. The learned counsel for the respondents states that if such application is made, it would be considered in the light of the resolution dtd.17th October, 1988, and if the petitioners are found to be entitled for the benefits of that resolution, necessary orders will be issued.

4. It is, therefore, directed that in the event of the petitioners making an application within one month from today seeking the benefits of the resolution dtd.17th October, 1988, the concerned authority of the respondents will consider the same and take a decision in accordance with law within two months after the receipt of the petitioners application. The respondents will consider the case of the petitioners sympathetically in view of their past services and give such benefits to them as they may be held to be entitled to get under the said resolution. In case the petitioners are held not to be entitled to such benefits, the concerned authority will make a speaking order in that regard. If the application is made by the petitioners stated by their learned counsel for the petitioners if they are already continued, shall be continued on similar basis until the order is made on their application.

5. In view of this arrangement, the learned counsel for the petitioners states that the petitioners do not press for this petition. Rule is discharged with no order as to costs.

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